

Remarks

The Examiner rejected claims 1–8, 10–14, 18–31, and 37–40, objected to claims 9 and 15–17, and allowed claims 32–36. Claims 1, 11, 16, 17, 21, 29, 37, and 40 have been amended, and claims 9, 15, and 39 have been canceled. Claims 1–8, 10–14, 16–38, and 40 remain in the application.

The Examiner rejected: (i) claims 1, 2, 5, 7, 8, 10, 11, 18–27, 29–31, and 37–40 under 35 U.S.C. 103(a) as being unpatentable over US 5,984,078 (Bonnet) in view of US 4,231,469 (Arscott); and (ii) claims 3, 4, 6, 12–14, and 28 under 35 U.S.C. 103(a) as being unpatentable over Bonnet in view of Arscott and further in view of US 4,598,815 (Adama). The Examiner further indicated that claims 9 and 15–17 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Independent claims 1 and 11 have been amended to incorporate the limitations of objected-to claims 9 and 15 and are now in condition for allowance. Claims 9 and 15 have been canceled. Dependent claims 16 and 17 have been amended to change their dependence to claim 11 from canceled claim 15. Claims 1–8, 10–14, and 16–20 should now all be allowable.

Independent apparatus claims 21, 29, and 37 have been amended to recite means for selectively raising and lowering the roller-top belt relative to the main conveyor or the upstream and downstream conveying surfaces, as in the other claims indicated as allowable by the Examiner. Because the references neither disclose nor suggest such means, these claims and their dependents (claims 21–31, 37, and 38) are now in *prima facie* condition for allowance.

Independent method claim 40 has been amended to recite raising the roller-top conveyor belt relative to the main conveyor above the level of the main conveyor when the roller-top conveyor belt is being driven to convey articles atop the rollers to either receiving station.

Because the references neither disclose nor suggest such a step, claim 40 is now in *prima facie* condition for allowance.

Applicant respectfully requests entry of the amendments in view of these remarks and allowance of claims 1–8, 10–14, 16–38, and 40.

This amendment is being sent within two months of the Final Office Action with no additional claims. No extension of time petition fee should be due. Any other fees considered necessary for consideration of this response may be charged to Deposit Account No. 12-0090. If the Examiner thinks a telephone conference would expedite the prosecution of this application, he is invited to call the undersigned attorney.

Respectfully submitted,
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